

Agenda

Civil Society Consultation for the U.S. Universal Periodic Review: Berkeley, California

March 25, 2010

Welcome, Introductions, and Overview of UPR Consultation Process

Allison Davenport, WILD for Human Rights

Panel I - Racial Discrimination: Disproportionate Incarceration in Prisons

Robin Levi, Justice Now; Raha Jorjani, UC Davis Immigration Clinic; Sumayyah Waheed, Ella Baker Center- Books Not Bars Campaign

Panel II - State Accountability: from Local to National obligations

Andrea Cristina Mercado, Mujeres Unidas y Activas; Juana Flores, National Domestic Workers Union; Allison Davenport, WILD for Human Rights; Ann Fagan Ginger, Meiklejohn Civil Liberties Institute; Kathy Roberts, Center for Justice and Accountability; Sharon Adams, National Lawyers Guild

Closing remarks and Adjournment

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Seven federal agencies participated in this UPR Session: the Department of State, the Department of Justice, the Department of Education, the Equal Employment Opportunity Commission, the Department of Homeland Security, the Department of Health and Human Services and the Environmental Protection Agency were represented.

- **Panel I - Racial Discrimination: Disproportionate Incarceration in Prisons**

The first panel began with a discussion regarding a variety of issues related to discrimination and prisons. Civil society panelists reported that the number of people being detained in the United States is on the rise and that more mentally disabled people can be found in jails than in mental health hospitals. The panelists described healthcare in prisons as abysmal, especially for women of color. According to the panelists, women in prison are subjected to forced hysterectomies and offered tubal ligations. They added that human rights violations such as extreme temperatures and poor food quality can be found in prisons and detention centers.

One civil society representative expressed concern over the effect that family member deportation has on children, stating that people in the country lawfully are being deported without a hearing. In addition to restoring judicial discretion, panelists recommended that the Department of Justice issue guidelines to judges regarding these situations and that the U.S. Government place a higher priority on collecting data on the health of these children.

Another panelist stated that the U.S. Government has not recognized education as a fundamental human right and recommended a constitutional provision to acknowledge it as such. The panelist recommended increasing funding for education and monitoring teacher quality in an effort to close the achievement gap.

During the discussion session, interlocutors expressed concerns regarding the Convention Against Torture, U.S. climate change policy and its human rights dimension, and the rights of children with disabilities. Six key concerns surrounding climate change were addressed: rising temperatures affecting health, diseases such as malaria and yellow fever, decreases in air quality through smog and air pollution, social disruption through economic decline and population displacement, rising sea levels, and the impact on communities in the Arctic that depend on natural resources. Lastly, civil society representatives recommended that the Department of Education make disability rights a priority.

- **Panel II - State Accountability: From Local to National Obligations**

Civil society representatives discussed issues such as migrant workers' rights, women's rights, domestic violence, community-police relations, and the Committee Against Torture.

The panel began with a civil society representative discussing concerns surrounding her community's interaction with the police. She noted the fear that many community members have of arbitrary deportations, police impounding vehicles, and a lack of response in domestic violence cases. On a community level, the representative recommended improving relations between community members and police, providing interpreters for police, and increasing training regarding domestic violence issues. On a policy level, the panelist recommended ending programs between police and immigration officials and re-examining policies such as the North American Free Trade Agreement and the Central America Free Trade Agreement.

Another civil society representative urged the ratification of the Convention on the Elimination of Discrimination Against Women (CEDAW), stating that the ratification would strengthen the U.S. moral authority abroad to promote issues of gender fairness. The representative also recommended that real CEDAW implementation would involve monitoring and accountability not just to identify and report, but to educate people on their rights.

Various other issues were discussed by the civil society representatives during the panel. These included concerns about fee increases in the University of California system, job creation, and nuclear armament despite local ordinances. During this panel segment, a representative recommended that the Department of State take the duty to publicize text of ratified treaties seriously and provide every state governor with reports.

One civil society panelist discussed the Committee Against Torture and raised other issues relating to torture. The panelist applauded the Department of State and the Department of Justice for their work on the Chuckie Taylor prosecution for torture, and mentioned the Samantar case, brought under the Alien Tort Claims Act. The panelist discussed the power of the President of the United States and how it relates to international treaties.

Topics raised in the open discussion included services for senior citizens, abortion, maternity leave policies in the U.S., fee hikes at universities, secret detention facilities, torture, and multilateral corporations' impact on human rights. One civil society representative raised the issue of older women having low pensions because they were discriminated against in the past due to low wages. She argued that these women earned their living before equal pay for equal work laws were in place, and thus deserve financial compensation for that loss. In addition, the representative discussed elderly people needing access to healthcare, housing, and transportation.

Also during the open discussion, one civil society representative argued that the Obama Administration has failed to investigate allegations of torture and secret detention facilities. The representative recommended that the Department of Justice initiate criminal investigations and that Congress initiate an independent inquiry into the institutional factors that led to torture, citing the 2006 Committee Against Torture recommendations.

Public comments included the recommendation that the one year filing deadline for asylum claims be eliminated because it is arbitrary and unfair. Another member of the public requested that business and human rights be examined by strengthening accountability in the free trade paradigm. The same person recommended correcting labor violations and protecting labor unions. Another person recommended looking into publicly sponsored clinics and their oversight with regard to homeless populations and mental health.

Other recommendations from the public included providing affordable and generic AIDS medicine and strengthening the Nuclear Non-Proliferation Treaty.